

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Court File No.: 10-2275 (PAM/JSM)

Plaintiff,

vs.

Xcel Energy, Inc., Northern States Power  
Minnesota, & Xcel Energy Services, Inc.,

**JOINT STIPULATION TO  
WITHDRAW THE DECLARATION  
OF A.M. HEKKING**

Defendants.

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Plaintiff United States of America and defendants Xcel Energy, Inc., Northern States Power Minnesota and Xcel Energy Services, Inc. stipulate as follows:

1. In support of the Government's reply on the Motion for Preliminary Injunction, the Declaration of A.M. Hekking (Clerk Doc. No. 25, Ex. 3) was submitted;
2. Xcel Energy contends that the Hekking Declaration raises new issues that would necessitate seeking leave to file sur-reply evidence, while the United States contends that the Hekking Declaration is a proper reply to arguments raised in Xcel Energy's opposition to the preliminary injunction. Nonetheless, the United States does not wish to further prolong and complicate the litigation over the enforcement of EPA's information requests, and believes that the remaining record properly supports relief (a position that Xcel Energy disputes). Therefore, the United States agrees to withdraw the Hekking Declaration (Clerk Doc. No. 25, Ex. 3) and all references to that Declaration in reply motion papers, including but not limited to pages 14 and 18 of Clerk Doc. No. 25.

Dated: August 19, 2010

Respectfully submitted,

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Dated: August 19, 2010

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